

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

ASHEVILLE DIVISION

CARYN DEVINS STRICKLAND,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil No. 1:20-cv-00066-WGY
)	
UNITED STATES, <i>et al.</i>,)	
)	
<i>Defendants.</i>)	

MOTION TO POSTPONE SEPTEMBER 28, 2022 HEARING

Plaintiff Caryn Devins Strickland respectfully requests that this court postpone the summary judgment/scheduling hearing that is currently scheduled for September 28, 2022 until the Fourth Circuit has ruled on her emergency motion to stay the district court proceedings pending appeal. *See* Ex. A (motion). The Fourth Circuit has ordered an expedited briefing schedule on the emergency motion: Appellees' response is due by Tuesday, September 27, 2022, following which Strickland will file an expedited reply. Ex. B (briefing notice). Though the Fourth Circuit has ordered expedited briefing, the Court will not have complete briefing from the parties, let alone a reasonable opportunity to rule on the motion, before September 28, 2022. Further, an intercircuit panel has not yet been publicly identified for the appeal, which will necessarily delay the processing of Strickland's motion. Because it would be inappropriate, and contrary to principles

of judicial efficiency, to proceed on a hearing that is the subject of both a pending appeal and an emergency stay motion, Strickland requests that the hearing be postponed, at a minimum, until the Fourth Circuit has had an opportunity to rule on her motion. Defendants take no position on this motion.

This the 21st day of September, 2022.

Respectfully Submitted,

/s/ Jeannie Suk Gersen

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 2022, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Joshua M. Kolsky at Joshua.Kolsky@usdoj.gov

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